

Remarks

Claims 1-20 are pending, and claims 1-20 are subject to a restriction requirement. The Applicants have amended claim 14 to correct a minor error.

Provisional Election

To follow proper procedure, the Applicants provisionally elect Claims 1-19. The Applicants want to make of record that in no way is this provisional election intended to limit the scope of the claims. The Applicants will show that this restriction requirement is improper, and that the Applicants are improperly forced to make this provisional election according to Patent Office procedure.

Traversal of Restriction Requirement

The Applicants respectfully traverse the restriction requirement entered by the Examiner. As a general statement of restriction, an Examiner may require claims to be restricted to one invention if two or more *independent and distinct inventions* are claimed. See 35 U.S.C. § 121; 37 C.F.R. § 1.141; 37 C.F.R. § 1.142. The Applicants do not understand how the Examiner finds there to be independent and distinct inventions between claims 1-19 and claim 20. Claim 1 claims a broad embodiment of a three-point apparatus having a hitch system, an implement, and a suspension system. The dependent claims further limit claim 1. For instance, claim 2 describes the suspension system as an air suspension system. Claim 13 describes the implement as a sprayer. Claim 14 describes the implement as a sprayer with a tank and booms. Claim 1, as being further limited by claims 2, 13, 14, or possibly other claims, very much resembles claim 20. Therefore, the Examiner can surely see that claim 20 is a more detailed embodiment of claim 1, and that claim 20 cannot be independent and distinct from claims 1-19.

To show that claim 20 is independent and distinct from claims 1-19, the Examiner uses the combination-subcombination test. The Applicants submit that claims 1-19 and claim 20 are not proper for the combination-subcombination test to require a restriction requirement. A combination is made of subcombinations, and an individual subcombination is a part or element of the combination (see MPEP 806.05(a)). For instance, assume a combination A-B is made up of elements A and B. Element A is a subcombination of combination A-B. Similarly, element B

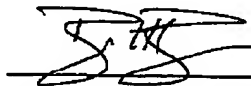
is a subcombination of combination A-B. If combination A-B is claimed and subcombination A is claimed, a restriction may be proper.

However, this is not the case for claims 1-19 and claim 20. As previously stated, claim 1 claims a broad embodiment of a three-point apparatus having a hitch system, an implement, and a suspension system. The dependent claims further limit claim 1. Claim 20 claims a more detailed embodiment of a three-point apparatus, where the detailed embodiment of the three-point apparatus is a three-point sprayer. The three-point sprayer in claim 20 includes the elements of the three-point apparatus in claim 1, but the elements of the three-point sprayer in claim 20 are more particularly defined. The three-point sprayer in claim 20 is not a subcombination of the three-point apparatus in claim 1, as the three-point sprayer includes similar elements as the three-point apparatus. If claim 20 were a claim to the hitch system of claim 1, then the Examiner may use the combination-subcombination test. If claim 20 were a claim to the implement of claim 1, then the Examiner may use the combination-subcombination test. If claim 20 were a claim to the suspension system of claim 1, then the Examiner may use the combination-subcombination test. However, claim 20 is to a more detailed embodiment of claim 1, so the combination-subcombination test is not applicable.

As such, the Examiner has not proven that claims 1-19 are independent and distinct from claim 20. The Applicants submit that the Examiner can not prove that claims 1-19 are independent and distinct from claim 20. Therefore, the Applicants ask the Examiner to reconsider the restriction requirement and withdraw the restriction requirement.

Respectfully submitted,

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SIGNATURE OF PRACTITIONER

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